

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

ARLICE J. RANDOLPH

v.

**PINECREST RETIREMENT
COMMUNITIES**

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NO. 9:15-cv-39


**ORDER OVERRULING OBJECTIONS AND ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This case is referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters. Pending before the court is Defendant Pinecrest Retirement Communities' "Motion to Dismiss Plaintiff's Original Complaint." (Doc. No. 8.) On September 19, 2015, the magistrate judge filed his report (Doc. No. 14), recommending that this court deny the Defendant's motion. The Defendant filed timely objections to the report and recommendation. (Doc. No. 17.)

After conducting a de novo review of the magistrate judge's report and recommendation and the Defendant's objections, the court finds that the magistrate judge's findings and conclusions are correct. See FED. R. CIV. P. 72(b)(3).

It is, therefore, **ORDERED** that the Defendant's objections (Doc. No. 17) are **OVERRULED**; the magistrate judge's report and recommendation (Doc. No. 14) is **ADOPTED**; and Defendant's Motion to Dismiss (Doc. No. 8) is **DENIED**.

SIGNED this 3rd day of November, 2015.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE